

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA)	CASE NO.: 1:19CR79
)	
Plaintiff)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
MARTIN FANO,)	
)	
Defendant-Appellant.)	<u>DEFENDANT'S MOTION IN LIMINE</u>
)	

Now comes the Defendant, Martin Fano, by and through his counsel, James C. Lynch, and herewith respectfully moves, *In Limine*, this court, in its' discretion, exclude a tape recorded conversation between the Defendant and Rufus Taylor on July 11, 2017, on the grounds that it is irrelevant to the issues and, further, is so unduly prejudicial so as to overcome any possible probative value, pursuant to Fed. Rules of Evidence, Rule 403. See, *United States v. Brady*, 595 F.2d 359, 361 (6th Cir. 1979). Yesterday, a transcription of the recording was provided to the Defendant as the portion which would be offered by the government. For the Court's information, the Defendant is sending, by email to the Court's courtroom deputy, the transcript in question.

WHEREFORE, it is respectfully prayed that this motion be granted.

Respectfully Submitted,

s/James C. Lynch

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was electronically filed this 14th day of June, 2019, through the court's electronic service process to all parties.

s/ James C. Lynch
JAMES C. LYNCH